

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA WENDT, Administratrix of  
the ESTATE OF JOHN F. WENDT,

Plaintiff,

v.

CHARLES A. BUSSARD and  
SEVEN-D WHOLESALE, INC.,

Defendants.

No. 4:20-CV-00220

(Judge Brann)

**ORDER**

**AND NOW**, this 2<sup>nd</sup> day of June 2020, in accordance with the  
accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' Partial Motion to Dismiss, Doc. 21, is **GRANTED IN PART AND DENIED IN PART**.
2. Plaintiff's demand for punitive damages survives into discovery.
3. Plaintiff's negligence claims, such that they are premised on Defendants' violations of 75 Pa. C.S. §§ 3310, 3714, and 3736, and 49 C.F.R. § 392.3, are **DISMISSED WITH PREJUDICE**.
4. Plaintiff's negligence claims, such that they are premised on Defendants' violations of 75 Pa. C.S. § 3361, survive into discovery.

5. Defendants' answer to Plaintiff's Second Amended Complaint is due no later than June 15, 2020.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge